

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
MARCH 23, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- 1.1 Call to Order:** Mayor Wasserman called the meeting to order.
- 1.2 Flag Salute:** Vice Mayor Wieckowski led the salute to the flag.
- 1.3 Roll Call:** Present: Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison, and Chan.
- 1.4 Announcements by Mayor/City Manager** – Mayor Wasserman announced vacancies to various City Boards and Commissions.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Wieckowski, Councilmembers: Natarajan, Harrison and Chan
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes** – None.
- * **2.3 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider an Annual Report on the Status of the General Plan and Housing Element Implementation**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Held public hearing.
2. Found the Annual Report is exempt from the California Environmental Quality Act (CEQA) in that the activity is not defined as a “project” under CEQA Guideline 15378(b)(5).

3. Found that the Annual Report of the General Plan and Housing Element (Exhibit 1) accurately depicts the current status of the City of Fremont with respect to the General Plan and Housing Element and authorized staff to submit the Report to the appropriate State agencies.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

2.4 Mayor Wasserman opened consideration of a Recreation Commission Referral - Designation of 98 Acres as Sabercat Historical Park

Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council found the project is exempt from CEQA with no potential for a significant impact on the environment and designated the 98-acre area as the Sabercat Historical Park.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

(This item was removed from the Consent Calendar)

*** 2.5 Mayor Wasserman opened consideration of Acceptance of \$203,000 EPA Grant through the San Francisco Estuary Project to Evaluate the Pollutant Removal Effectiveness of a City Designed Tree Well Stormwater Filter**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Accepted \$203,000 US EPA grant funds to evaluate the City of Fremont designed tree well stormwater filter and authorized the City Manager or his designee to execute any agreements or other documents associated with the grant.
2. Appropriated \$203,000 of US EPA grant funds to 199PWC8728, and \$84,600 of City Urban Runoff Fund 123 balance to 123PWC8728 tree well stormwater filter project.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Adoption of a Resolution Authorizing the Submittal of an Application to the Metropolitan Transportation Commission for the Federal Jobs for Main Street Act of 2010 Funding for the 2010 Citywide Asphalt Overlay Project (PWC 8234-J)**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Adopted Resolution No. 2010-16 authorizing staff to submit an application to the Metropolitan Transportation Commission (MTC) for \$8,400,000 in funding from the federal Jobs for Main Street Act of 2010.
2. Appropriated the amount in Jobs for Main Street Act of 2010 funding approved by MTC, if received, up to the amount of \$8,400,000 to the 2010 Citywide Asphalt Overlay Project, City Project No. PWC (8234-J).

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of Aqua Adventure Waterpark Amendment to Service Agreement with Sysco San Francisco, Inc.**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council approved Amendment No. 1 to Service Agreement with Sysco San Francisco, Inc.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of Adoption of a Resolution to Summarily Vacate Portions of a Public Utilities Easement and Waterline Easement on Portions of Lot 7, 8, 10, 11, 13, 14, and 15 of Tract 7862 Located Within the Robson Homes Hummingbird Development at the Northwest Corner of Blacow Road and Fremont Boulevard in the Irvington Planning Area**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Found Summary Vacation PLN2010-00156 exempt from CEQA per CEQA Guidelines Section 15305 because the vacation is a minor alteration in land use limitations that does not result in any land use or density changes.

2. Found Summary Vacation PLN2010-00156, as depicted and described on Exhibit “A,” is in conformance with the General Plan for the reasons stated in the body of this report.
3. Found Summary Vacation PLN2010-00156, as depicted and described on Exhibit “A,” fulfills the applicable criteria for summary vacation for the reasons stated in the body of this report.
4. Adopted Resolution No. 2010-17 including the findings referenced above, and ordering the summary vacation of the portions of the PUE and WLE as depicted and described on Exhibit “A.”
5. Directed the City Clerk to record the Resolution of Summary Vacation for PLN2010-00156 with the Alameda County Recorder, returning a copy of the recorded Resolution to the Planning and Engineering Divisions of the Community Development Department for their respective files.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan

Noes: None

Absent: None

Abstain: None

*** 2.9 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider Introduction of an Ordinance Amending the Precise Plan of Planned District P-2004-231 to Allow Changes in Architecture to a 27 Unit Residential Condominium Project in the Centerville Planning Area, and Rezoning the Planning District P-2004-231 by renumbering it to P-2010-3, As Recommended by the Planning Commission**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Held public hearing.
2. Found that the previously approved Mitigated Negative Declaration and Mitigation Monitoring Program (Informational 2) completed in compliance with the requirements of the California Environmental Quality Act (CEQA) are adequate for this project and that it reflects the independent judgment of the City.
3. Found that the proposed project is in conformance with the relevant provisions contained in the City’s existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan’s Housing Chapter as enumerated within the staff report.
4. Approved the proposed project as shown on Precise Planned District P-2010-3 Plans, Exhibit “B,” based upon the Finding and Conditions of Approval set forth in Exhibit “C.”
5. Waived full reading and introduced an Ordinance amending the precise plan as set forth in Exhibit “B,” and renumbering Planned District P-2004-231 to a Planned District P-2010-3, as shown on PLN2010-0003 Planned District Zoning Map, Exhibit “A.”
6. Directed staff to prepare and the City Clerk publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan

Noes: None
Absent: None
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Approve the Sale of Three Properties Owned by the City and the Redevelopment Agency Located at Essanay Place to the State Department of Transportation Needed for Spot Improvements Along State Route 238 (Mission Boulevard) and to Authorize the City Manager to Execute Grant Deeds, Easement Deed and Right-of-Way Agreement with the State Department of Transportation**

On a motion by Councilmember Natarajan, seconded by Councilmember Chan, the City Council:

1. Held a Public Hearing.
2. Found that less than ten percent and not more than one acre of the Vallejo Mill Historic Park is to be acquired by Caltrans and authorized use of the sale proceeds to improve the remaining portion of Vallejo Mill Historic Park (PWC8617 fund 501) rather than acquire substitute park land.
3. Approved the sale to Caltrans of a 422 sq. ft. portion of Vallejo Mill Historic Park parcel (APN 507-0480-010-01) for \$6,544.91 and deposit the funds into 501PWC76173920, and authorized the appropriation of funds, and of (1) Essanay Place parcel (APN 507-0796-029-00) for \$6,272.21 and deposit the funds into 001.0000.3920, and conveyance to Caltrans of a relocated 1,591 sq. ft. storm drain easement and authorized the City Manager or designee to execute Grant Deeds, Easement and Right-of-Way contracts to the State of California, Department of Transportation.

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Resolution: Honoring Building Inspector Specialist/Fire Sue Byrne for 25 Years of Service

3.2 Proclamation: Commemorating the 100th Anniversary of the Boy Scouts – continued to April 6, 2010

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications – None.

5. SCHEDULED ITEMS – None.

*Consent Items

5.1 Mayor Wasserman opened consideration of a Public Hearing to Consider City Council Approval of Project No. 8666 (PWC), Street Improvements and Configuration of Niles Boulevard between Sullivan Underpass and the old California Nursery Site. A Negative Declaration has been Prepared and Circulated for this Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA)

City Engineer Norm Hughes and Senior Civil Engineer Connie Wong highlighted details and design objectives of the project. Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Natarajan, the City Council:

1. With respect to the negative declaration:
 - a. Considered the negative declaration for the Niles Boulevard street improvement project attached to this report and all other information submitted in the staff report, and any oral or written testimony and found that:
 - i. There is no substantial evidence on the basis of the whole record before it that the project as described in the negative declaration will have a significant impact on the environment.
 - ii. The negative declaration reflects the independent judgment and analysis of the City of Fremont.
 - b. Approved and adopted the Negative Declaration.
 - c. Specified the Planning Division of the Community Development Department at 39550 Liberty Street as the location and custodian of the documents which will constitute the record of proceedings upon which the decision is based.
2. Approved the street configuration design for the Niles Boulevard Street Improvement Project from Sullivan Underpass to the old California Nursery site, as shown in Exhibit "B," City Project No. 8666(PWC), subject to the recommended Conditions of Approval in Exhibit "C."

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Direct Staff to Review Nomination Package of the Niles Canyon Transcontinental Railroad Historic District to the United States Department of the Interior National Park Service and Return to Council with Recommendations and Findings

No action was taken on this item.

8.1.2 MAYOR WASSERMAN REFERRAL: Appointments to advisory bodies

By consensus, the City Council made the following appointments:

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Environmental Services Advisory Commission	Isabelle McAndrews (Public at Large) Alexander Chung (Youth)	December 31, 2013 December 31, 2013
George W. Patterson House Advisory Board	John Herndon (Public at Large)	December 31, 2013
Library Commission	Chhabra Deepak Ali Tariq	December 31, 2013 December 31, 2010

8.1.3 VICE MAYOR WIECKOWSKI REFERRAL: Request the City Council to Consider Adopting a Resolution Supporting the Blue Ribbon Commission Report “Commitment is a Two-Way Street: Toyota, California and NUMMI”

Vice Mayor Wieckowski provided an overview of his referral to request Council to consider adopting a resolution supporting the efforts of the Toyota NUMMMI Blue Ribbon Commission.

On a motion by Vice Mayor Wieckowski, seconded by Councilmember Harrison, the City Council adopted Resolution 2010-18 recognizing and supporting the efforts of the Toyota NUMMI Blue Ribbon Commission.

8.2 Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 7:45 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor